

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **CHAIRMAN MACK COLE**, on March 12, 1999 at 10:00 A.M., in Room 331 Capitol.

ROLL CALL

Members Present:

Sen. Mack Cole, Chairman (R)
Sen. Don Hargrove, Vice Chairman (R)
Sen. Jon Tester (D)
Sen. Jack Wells (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Keri Burkhardt, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 412, HJ 12, SB 521
Executive Action: None

{Tape : 1; Side : A; Approx. Time Counter :10:00}

HEARING ON HB 412

Sponsor: REP. CAROL JUNEAU, HD 85, BROWNING

Proponents: Joe McDonald, President, Salish Kootenai College
member, Salish Kootenai Tribe
Stan Juneau, member, Blackfoot Tribe
REP. JAY STOVALL, HD 16, BILLINGS
SEN. GLEN ROUSH, SD 43, CUT BANK
Wyman McDonald, Co-ordinator, Office of Indian
Affairs

Bob Tailfeathers, Dean of Human Services,
Blackfeet College
Christine Kaufman, Montana Human Rights Network
REP. CAROL WILLIAMS, HD 69, MISSOULA
Bud Clinch, Director, Department of Natural
Resources
Kathleen Fleury, tribal attorney for Blackfeet
Nation
Richard Little Bear, Acting President, Dull Knife
Memorial College
Sharon Little Plume, Blackfeet Indian Women
Mary Herak
Laura Adamson
Denise Juneau
Rebecca Moog, Montana Womens' Lobby
Jamie Johnson-White

Opponents: Steve White

Opening Statement by Sponsor:

REP. CAROL JUNEAU, HD 85, BILLINGS, told the committee that the majority of her district included the Blackfeet Indian Reservation. The intent of HB 412 was to remove the word, "squaw," from various state land holdings in Montana.

EXHIBIT (sts56a01) She presented a map listing the various sites where the word "squaw" was used. She and REP. CAROL WILLIAMS, HD 69, MISSOULA had been working together on the bill. The bill asks state agencies who own or manage public lands to compile a list of sites and features under their jurisdictions that contain the word, "squaw," and re-name them with a more appropriate name. They were not asking the state to do this right away, rather in the ordinary process when they make name changes or replace a sign or interpretative marker. Montana, through this bill, would make a formal request with the U.S. Geographic Name Change Board to render a decision on the proposed name changes, so that the new name would be reflected on all maps. An amendment was added in the House, to set up an advisory committee to work co-operatively with the various areas in the state to come up with more appropriate names. It would be important for local communities to present names important in their culture, (Indian or non-Indian names) significant to them. In preparing for the hearing, she had reviewed research of the "S" word and gathered information from other states faced with the same issue. She offered a chart of various dictionary definitions of the word, "squaw." She said we must all strive for dignity and respect for all other people, particularly for our children and grandchildren. To continue the use of the "S" word in state land

holdings and features shows a disregard and disrespect for a group of people who were the original inhabitants of the state. The committee, she said, had the opportunity to strengthen the relationship between the Indian people of Montana and the State. She implored them to make something right that was now wrong.

REP. JUNEAU said she had received letters to the editor and support from the Blackfeet, Assiniboine, and GrosVentre Tribes. She also introduced more research. She pointed out a letter to the editor which indicated the need for education and cooperation where misunderstanding and misinformation exist today

EXHIBIT(sts56a02). **SEN. LINDA NELSON, DISTRICT 49, MEDICINE LAKE**, had agreed to carry the bill on the Senate floor.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 10:18}

Emily Ferguson, supported **HB 412**. She read an except from Roots and Branches, by Dorthea Susag called "Princess or Squaw."

EXHIBIT(sts56a03).

Joe McDonald, President of the Salish Kootenai College, member of the Salish Kootenai Tribe, Flathead Indian Reservation. He told the committee that his mother was a Chippewa or Ojibway, and his father was a Nez Perce member. Growing up, he asked his mother about nearby, "Squaw Peak," and his mother told him it meant a dirty old woman. It was offensive to him, so he avoided using that word. In the Great Lakes region, it's the Algonquin word for a ladies' vagina. In refuting the argument that, "squaw," correctly reflected historical times, he said he would doubt that, "nigger," or "honky," would be used today. He offered his own Indian name for a renamed site.

Stan Juneau, enrolled member of the Blackfeet Tribe, also spoke in favor of the bill. **EXHIBIT(sts56a04)**

REP. JAY STOVALL, HD 16, supported the bill and suggested it would not be difficult to implement.

SEN. GLEN ROUSH, SD 43, CUT BANK, representing the **Blackfeet Nation**. He supported **HB 412**, saying it was the right thing to do. He said the discontinuance of this vulgar word would go a long way to heal problems between Indian and non-Indian people. The renaming of these sites would not be difficult.

Wyman McDonald, Co-ordinator, Office of Indian Affairs, said that "Squaw's Peak" south of Missoula was commonly known among males as, "Squaw's Tit." These references denigrate Indian women, he said, and therefore were very offensive. The bill would not call

for an immediate change nor even in the next decade, but over time. It would be a step in the direction of Indian/non-Indian relationships and be beneficial.

Bob Tailfeathers, Dean of Human Services, Blackfeet Community College, Browning, said women on his reservation were leaders, including Medicine Lodge Ceremony, as was his grandmother. He thought that all Montanans should want the removal of this word out of respect for one another.

{Tape : 1; Side : A; Approx. Time Counter :10:30}

Christine Kaufman, Montana Human Rights Network, a non-profit advocacy organization representing 1,400 households in Montana, said their organization supports policies that enhance human rights for all Montanans. She said we are all responsible to change what we find out is offensive to others, not merely feel guilty. In 1963 the U.S. Geological Survey Board on Names changed the name of 143 places containing the word, "Nigger," to, "Negro," and in 1967 renamed 26 places containing the word, "Jap," in reference to Japanese people. There would be perhaps 65 places named, "Indian Woman blank)" if left to the national group, but **HB 412** would include school kids, elders, and others to rename sites.

REP. CAROL WILLIAMS, HD 69, MISSOULA, commended **REP. JUNEAU** for the work done on **HB 412**. Her husband had done some work through the Board of Geographic Names to do a national change, but left office before it was done. It was not a bill about political correctness, but a bill about reconciliation and respect, and the importance of words, she said. Inadvertently on Page 2, Line 6, the bill mistakenly said, "Board of U.S. Geographical Survey," instead of, "The U.S. Board of Geographic Names." She urged the amendment. She read testimony from **Henrietta Mann**, a historian and linguist from the University of Montana.

Bud Clinch, Director, Department of Natural Resources and Conservation, said his agency interacted with the Board of Geographic Names on naming sites in Montana. He presented a map showing the proposed changes **EXHIBIT(sts56a05)** that his department had already had available and catalogued. The process would be easier than they had anticipated before. The bill would establish an advisory committee, directing state agencies to compile an inventory and direct agencies to replace signs, markers and maps after having used a name chosen by an advisory group. That information would be passed to the National Forest Service and other natural resources agencies. The last step would place a formal request with the U.S. Board of Geographic Names. He said the directives were out of order since base maps

in Montana emanate from the United States Geographical Survey (USGS) and other federal agencies, and they would not change the names on the maps until they received an official report from the Board of Geographic Names. He suggested revising the process. His department was ready to proceed with the direction of the bill, he said.

Kathleen Fleury, tribal attorney, Blackfeet Nation, spoke in favor of **HB 412** and submitted written testimony, **EXHIBIT (sts56a06)**. She related two personal stories involving discrimination.

Richard Little Bear, Acting President for the Dull Knife Memorial College, Northern Cheyenne Reservation, urged passage of **HB 412**. A hill formerly called, "Squaw's Hill," near the college had been renamed, "Head Chief Memorial Hill" by tribal resolution. The "S" word is highly derogatory and unacceptable, causing misconceptions among people. Native Cheyenne language had no term for, "squaw," and it was wrong to use it.

{Tape : 1; Side : B; Approx. Time Counter : 10:48}

Sharon Little Plume, represented the Blackfeet Indian Women from Browning. She is of Sioux and Blackfeet descent. She described herself as a Blackfeet woman who was very modern and very intelligent. She likened a town named after white women called various filthy names to the equivalent of, "squaw." The "S" word created a violent, rape atmosphere.

Mary Herak works as a Licensed Professional Counselor at the Kootenai Salish College. She objected to the tone of the word and to past usage.

Laura Adamson told the committee she was married to a member of the Blackfeet Reservation and had many friends who were Native Americans. The word, "squaw," made her angry. She urged support of the bill.

Denise Juneau spoke in favor of **HB 412**. She read her aunt's testimony, and also presented other letters. **EXHIBIT (sts56a07)**

Rebecca Moog, Montana Womens' Lobby, saying they strongly supported the bill.

Jamie Johnson-White told the committee that she considered this issue to be a sexist issue rather than an Indian issue. She urged her children not to use word such as, "nigger," or, "squaw." If they saw those same words on a map, however, they might think it is acceptable.

{Tape : 1; Side : B; Approx. Time Counter 10:57}

Opponents' Testimony:

Steve White, Bozeman, spoke on his own behalf, saying his opposition to the bill was not a disagreement in culture, but rather a disagreement in principle. He maintained that the issue had been tainted by a misunderstanding of the word, "squaw." He presented the committee with dictionaries of the past and present in which, "squaw," meant, "Indian woman." **EXHIBIT(sts56a08)** This issue started on the Oprah Winfrey Show on TV, and became a national issue across the country, he said, citing an Internet publication from the Western North Carolina Citizens For An End to Institutional Bigotry **EXHIBIT(sts56a09)**. He was concerned about the renaming of many sites because of negative or insulting meanings, such as, "Bad Marriage Mountain," or, "Bald Head Mountain." Near Helena, he cited such areas as, "Buck Gulch," "Chinaman's Gulch," and, "Confederate Gulch." He spoke of a recent dispute on the use of, "Crazy Day Sales." He listed more examples of what he considered a slippery slope of changing geographic names, and maintained that there would be no end to it because someone would always be insulted. He produced a list of names, **EXHIBIT(sts56a10)** and an editorial from the March 11, 1999 Glacier Reporter **EXHIBIT(sts56a11)**. He further introduced **HJ 23 EXHIBIT(sts56a12)** which supports the historic name of Pompey's Pillar and resists a request to change it. The reasons for that resolution and for resisting the changing of the sites containing the word, "squaw," were: expense, confusion and lack of recognition. The bill called for a committee to be formed and he was concerned that the people on the panels would not have educational and cultural backgrounds to qualify. The proposed names could lack the support of the communities and cause animosity, he charged, causing division in those communities. **Mr. White** stated that he was not happy to see the representative from the **Department of Natural Resources and Conservation (DNRC)** testify as a proponent, but should have been an informational witness. It led the committee to believe that the decision had already been made. He asked the committee to reject the bill. As a fifth generation Montanan, he said that never once had anyone in his family made reference to, "Squaw Creek" near his home in a derogatory sense. "Squaw Valley" Ski Area in California was an Olympic site in 1966 and he was upset to think that protests would be made because of perceived insult.

Questions from Committee Members and Responses:

SEN. WILSON asked the sponsor about the renaming of, "Squaw Island" near Great Falls to, "Sacajawea Island," and how that had come about. He further asked if that change was less than official. **REP. JUNEAU** deferred the question to **Donald Howard, DNRC**, whose job function included the state naming authority, a conduit to the U.S. Board of Geographic Names. He said the island was a point of contention with area residents and they had petitioned the board for the change. There was support in the community, so it was changed.

SEN. WILSON surmised then that there was an existing avenue if there was a hue and cry in a locality, and renaming could be done. **Mr. Howard** agreed and said it was an arduous process, however. A formal petition had to be made to the board in Virginia, paperwork done, placed on the docket, and local investigation carried out. In this case they had substantial support for the change.

SEN. WILSON asked **REP. JUNEAU** about replacing signs and markers in the bill on Line 27, and if in the normal course it would take a long time. He inquired about a time line in the bill. She thought it would have caused undue concern among the legislators. There were many sites, but she liked the idea of a central group managing the process. They had waited a long time, she stated, and they were willing to take extra time for that process.

SEN. HARGROVE inquired about the mechanism of the bill concerning local input that said, "each agency of the state government will report back to the advisory group." He said they didn't see the mechanism where federal lands were going to be part of it. The sponsor said they were, and had no objections to the suggestion that they have their staff counsel look into it.

CHAIRMAN COLE inquired about the involvement of the DNRC. The sponsor said they were involved, and had actually already done some of the work for them. The process was much easier than she had anticipated.

CHAIRMAN COLE stated that the United States Geological Service was really the agency they should use.

Wyman McDonald asked to make a statement. He told the committee that all name changes would be made through **Donald Howard's** office at the DNRC.

Closing by Sponsor:

REP. JUNEAU presented some testimony mentioned earlier from various tribal groups **EXHIBIT (sts56a13)**. She thanked the State

Administration Committee for the good hearing and their patience in allowing all participants to testify. The sponsor read a letter addressed to **REP. WILLIAMS**. She expressed confidence that the advisory board would learn, share and talk to begin the process of renaming. Words, she said, could be used in a positive way, or they could be used in bad, hurtful ways, even in ways that cause wars. She hoped they could be used in ways to heal as well. This bill could go a long way in strengthening the relationships between the tribal nations and the State of Montana. She urged the committee to do the right thing and asked for a "do concur" motion on **HB 412**.

HEARING ON HJ 12

{Tape : 2; Side : A; Approx. Time Counter : 11:23}

Sponsor: **REP. CAROL JUNEAU, HD 85, BROWNING**

Proponents:

SEN. GLEN ROUSH, SD 43, CUT BANK
Kathleen Fleury, Blackfeet Tribe
Wyman McDonald, Co-ordinator of Indian Affairs
Christine Kaufman, Montana Human Rights Network
Stan Juneau, Blackfeet Nation
Richard Little Bear, Acting President, Dull Knife
Memorial College
Joe McDonald

Opponents: None

Opening Statement by Sponsor:

REP. JUNEAU opened **HJ 12**. It asks for a legislative study to be conducted for the purpose of reviewing the proposed Commission on Indian Affairs. The plan for this commission was developed by the current Coordinator of Indian Affairs, **Wyman McDonald**, with the concurrence of **Governor Racicot**. It was disseminated to the tribal nations last summer for their review. They had mixed reactions and had not given their full support to it. This type of change in the structure of relationships between the tribal nations and the State of Montana needed to be carefully organized. She felt it needed to be in collaboration with the tribes. The Blackfeet Tribal Business Council, which is the governing body of the Blackfeet Reservation had asked her to submit the resolution rather than supporting the actual

implementation of the Commission on Indian Affairs to allow for time and further study. She was certain everyone could agree on the need for a positive working relationship between their troubled nations and the State of Montana in promoting their common goals. There had been misunderstandings and misconceptions that now exist on both sides and a forum was needed for mutual discussions. It could be the Commission on Indian Affairs later, but it was not too soon to proceed with that, she said. The coordinator, under the Governor's Office, was presently the only resource available to serve as a liaison between the nations and the state, but it was not sufficient to address those needs and to facilitate the government-to-government that was affirmed by **Governor Marc Racicot** in 1993. She presented a copy of that statement **EXHIBIT(sts56a14)**. **HJ 12** would ensure that both tribal and state representatives would have the opportunity to determine the potential benefits of such a commission. Some questions of the commission would be: would it be a permanent commission, who would be represented, how members would be selected and the purpose and powers. It would also address the question of Indians living off the reservations and how they would be selected, as well as funding strategies. The sponsor said the state and the tribal nations had many common concerns including economic development, the disparity between Indian and non-Indian school systems, maintaining cultures, promoting values and maintaining history. They should also talk about land issues, natural resources, and ways to reduce socio-economic problems facing reservation communities. She gave out copies of support from tribal groups **EXHIBIT(sts56a15)**. **SEN. GLEN ROUSH** had agreed to carry **HJ 12** in the Senate. She urged support of the resolution.

Proponents' Testimony:

SENATOR GLEN ROUSH, HD 43, CUT BANK, representing Glacier County, a good part of Pondera County, and the entire Blackfeet Reservation. He urged support of **HJ 12**. He quoted the important language in Line 10 of the bill. He asked the committee to encourage the legislature in joining the recognition of tribes and state. Tribal treaties were negotiated with the federal government, therefore there was a feeling that the state should respect them as well. The study would help to work with the tribes to review some of those treaties and increase harmony. 20-25 percent of the population of Montana is Native American, he said, but there were many Native Americans in Montana that were not enrolled members, and this would give them an outlet to express their views as well. It could provide opportunities to both sides in economic development, education, taxation, tourism, and cultural issues, among others. He urged a like study in

Indian Affairs, even if this one was not approved, to consider Indian issues at the federal level.

Kathleen Fleury, Blackfeet Tribe, and gave their support to HJ 12. She agreed that these issues need to be studied.

{Tape : 2; Side : A; Approx. Time Counter : 11:34}

Wyman McDonald, Co-ordinator of Indian Affairs, said this bill was his best shot after the governor advised him to do what he thought needed to be done. He'd contacted other states and had proposed a similar organization to those states. He urged bi-partisanship in this issue. The off-reservation representation would be handled through the Indian alliances and there would be one person from the non-recognized Little Shell Tribe. He stressed the need for a greater awareness of Indian and non-Indian relationships and said his workload was overburdened. He had hoped for added staff for the commission. His job paid only half of what other Departmental directors, he said, and held no prestige. In state government, there were 11,500+ people, but only 217 Indian people were employed by the state. Of those, fewer than 100 were enrolled in federally recognized tribes or the Little Shell Tribe. This would be an opportunity, but it was not happening. There was a world-wide fascination for Indian people, he stated, but the comfort level here was very low. One of four persons of Indian descent are in the state correctional system where they are over-represented, however, Indians were under-represented in state employment (at one percent) and in economic opportunities. Looking at this disparity, he said economic costs had to come to the forefront at some time or another and everyone should be concerned.

Christine Kaufman, Montana Human Rights Network. She supported HJ 12 on behalf of her group, saying they encouraged the process whereby representatives of the sovereign nations, together with the State of Montana work together to deal with complex issues already described in a bipartisan way.

{Tape : 2; Side : A; Approx. Time Counter : 11:44}

Stan Juneau, Browning, Blackfeet Nation. A recently retired school administrator, he urged a positive promotion of academics, and said changes needed to be reflected in attitudes in the classroom. This resolution could resolve some issues, he maintained, in understanding each other, and eliminating a "Berlin Wall" mentality between reservation and non-reservation people.

Richard Little Bear, acting President for the Dull Knife Memorial College, Northern Cheyenne Reservation, supported **HJ 12**. He travels extensively and said in Montana, no one talks to him on an airplane. But out of Montana, other travelers do speak to him. **HJ 12** would break down barriers and open dialogue to both sides, he maintained. Education and the informative process eliminate prejudice. Many laws on reservations are made by non-Indians and forces outside the boundaries, and Indians felt unable to dictate their own rules. Common ground could also be found between Indian tribes, he said. He urged positive action on **HJ 12**.

Joe McDonald urged approval of **HJ 12** and the study of the Commission, or if there should be a Commission. Improved understanding between tribal people and state government should take place if people are to be responsible and take part, he said.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. HARGROVE asked the sponsor if **HJ 12** would go on the prioritization list for interim committees? She was uncertain.

SEN. COLE asked **REP. JUNEAU** the status on a bill to set up the Commission. She said a bill sponsored by **REP. JAY STOVALL** was presented to the House State Administration and tabled. He further asked about recommendations on whether it be done by the Committee on Indian Affairs. She said the interim committee on Indian Affairs would be the most appropriate place.

Closing by Sponsor:

The sponsor closed on **HJ 12**, urging the committee to concur on the bill.

{Tape : 2; Side : A; Approx. Time Counter : 11:58}

HEARING ON SB 521

Sponsor: **SEN. DON HARGROVE, SD 16, BELGRADE**

Proponents:

Dwight Krohne, owner, Last Stand Fireworks
Kim Sinrud
Annette Kunda

Opponents: None.

Opening Statement by Sponsor:

SEN. DON HARGROVE, SD 16, BELGRADE, opened **SB 521**, which would allow the sale of fireworks for two days before New Year's Eve in the year 2000. He said it was done in many countries and in many states. The fire marshals had agreed that fire danger was less than in summer months. Current fireworks laws permit sales only from the 25th of June through the 5th of July each year.

Proponents' Testimony:

Dwight Krohne, owner, Last Stand Fireworks, testified in favor of **SB 521**. Even states that do not currently allow fireworks were passing bills to allow fireworks to celebrate the millennium. Fire risk would be low at that time of the year, he said. The millennium is a special event that most people would not get a chance to celebrate, or even observe in their lifetimes. The sales would probably not be widespread and would not be out of control. It would be a chance for families to celebrate together and hopefully without alcohol.

{Tape : 2; Side : B; Approx. Time Counter : 12:03}

Kim Sinrud, Belgrade, represented herself. There was some doom and gloom about the millennium, but perhaps fireworks would take peoples' minds off the negative aspects.

Annette Kunda, Belgrade, represented fireworks stand owners and distributors around Montana. She urged support of **SB 521**.

Opponents' Testimony:

None.

Questions from Committee Members and Responses:

SEN. TESTER asked the sponsor why the sales would be limited to two days? **SEN. HARGROVE** said that question was discussed and had actually been proposed by the legislative staff to say 30 days. There was some concern about safety and during most year's sales are limited to eight or nine days. The original bill had stipulated one day only, so he was content with the present bill.

SEN. COLE wondered if the bill was so narrow it was for Belgrade only. The sponsor said Park County, Yellowstone County and Great Falls witnesses were also present.

Closing by Sponsor:

SEN. HARGROVE closed on **SB 512**, telling the committee that in many states New Year's Eve is celebrated in a big way, including Hawaii, Texas and South Carolina. In his neighborhood people set off fireworks saved from July. He thought the millennium would be a special time.

ADJOURNMENT

Adjournment: 12:06 P.M.

SEN. MACK COLE, Chairman

KERI BURKHARDT, Secretary

MC/KB

EXHIBIT (sts56aad)